

October 15, 2020

The Honorable Chad Wolf  
Acting Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW, Washington, DC 20395

**RE: Notice of proposed rulemaking (NPRM) on Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media (DHS Docket No. ICEB-2019-0006)**

The Federation of American Societies for Experimental Biology (FASEB) appreciates the opportunity to provide comments on the [notice of proposed rulemaking \(NPRM\)](#) regarding changes to the F and J visa programs issued by the Department of Homeland Security (DHS). As a coalition of 29 biological and biomedical scientific societies representing over 130,000 individual scientists, FASEB recognizes international scholars as critical members of the U.S. research enterprise. According to a [survey](#) of graduate students and postdoctoral appointees in science, engineering, and health conducted by the National Science Foundation in fall 2018, 39.6 percent of doctoral students and 54.3 percent of postdoctoral scholars are temporary visa holders, totaling >144,000 people. The proposed rule change would impose additional burdens on international scholars and threaten our nation's competitiveness by discouraging future scientists from pursuing educational programs in the U.S. and performing the cutting-edge research vital for biomedical progress.

The science, technology, engineering, and mathematics (STEM) workforce is dependent on a diverse graduate student and postdoctoral scholar population, and international researchers play essential roles in the U.S. research and development enterprise. Nearly [three-quarters](#) of foreign-born noncitizen recipients of U.S. science and engineering doctorates remain in the U.S. for subsequent employment. [Faster growth](#) is projected in science and engineering employment relative to overall employment through 2026, highlighting the continuing need for a diverse and highly trained STEM workforce.

Current international students and researchers on F and J visas are legally admitted to the U.S. for “duration of status” (D/S), typically the length of their program. DHS argues that D/S makes nonimmigrant compliance with visa requirements harder to track, and the proposed changes are intended to enhance national security. However, while specific examples of abuse are provided in the NPRM, it is unclear how often abuse occurs and what types of costs are incurred to justify the proposed rule change to a fixed time period of two- or four-years. Given that the average time to a PhD for 2018 graduates was [5.8 years](#), the proposed maximum four-year limit would mean nearly all international PhD students must apply for an extension, with no guarantee for approval. Added administrative burdens and uncertainty are likely to discourage international students from enrolling in programs in the U.S., decreasing university and institutional revenue due to loss of tuition (acknowledged by DHS in the cost analysis) and talent.

Under current regulations, applications for extensions are reviewed by Designated School Officials (DSOs) and Alternate or Responsible Officers (AROs/ROs). The proposed rule requires that F and J nonimmigrant aliens also apply for an extension of stay (EOS) with DHS or leave the country and reapply for admission at a port of entry. Per DHS's own analysis, most costs incurred by the proposed rule will fall on nonimmigrant applicants in the form of increased paperwork, fees, time, and travel outside of the country or for in-person biometrics collection and interviews. [FASEB](#) and the [National Academies of Sciences, Engineering, and Medicine](#) have previously noted the financial stress trainees face. For graduate students and postdoctoral scholars living on limited stipends, the financial cost of applying for an EOS poses an undue burden. The added paperwork, biometrics, and interview appointments will result in not only loss of time but also increased stress. Lack of consideration for the wellbeing of our scientific workforce will have lasting individual and systemic effects.

The NPRM requires that F nonimmigrant students wishing to transfer or change their course of study to another of equal or lower educational level must apply to both DSOs and DHS to do so, with a lifetime limit of three different programs at the same educational level and one transfer to a program at a lower level. For example, a trainee may first pursue a PhD in biology, obtain a JD in patent law shortly after, and later enroll in a master's program for bioinformatics. If they then decide to pursue an MBA, this would not be allowed under the proposed rule. These restrictive lifetime limitations on the number of programs that can be pursued will stifle innovation by denying access to trans-disciplinary educational opportunities.

FASEB is concerned that the NPRM greatly increases administrative and financial burdens for international scientists and research institutions, leading to unintended consequences on the U.S. STEM enterprise. Therefore, we urge DHS to not proceed with the proposed regulatory change.

Sincerely,

A handwritten signature in cursive script, reading "Louis B. Justement". The signature is written in black ink and is positioned above the typed name and title.

Louis B. Justement, PhD  
FASEB President